

## **REMARKS**

Claims 1, 3-6, 8, 12-14, 16, 18, 20, and 25 are now pending in the application. Claims 7 and 15 have been cancelled. Claims 2, 9-11, 17, 19, 21-24 were previously cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## **INTERVIEW SUMMARY**

The undersigned wishes to express his appreciation to the Examiner for the courtesy of the telephone interview on August 16, 2011. The claim amendments were discussed relative to the cited references, but no definite agreement was reached.

## **REJECTION UNDER 35 U.S.C. § 112**

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. A minor amendment has been made to claim 1 that is believed to clarify how the stored signal strength data is used with respect to the position data. Reconsideration and withdrawal of this rejection is respectfully requested.

## **REJECTION UNDER 35 U.S.C. § 103**

Claims 1, 3, 5-8, 12, 14-16 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sklar et al. (U.S. Pat. No. 5,990,928; hereinafter "Sklar") in view of Chobotov (Orbital Mechanics), Satapathy (U.S. Pat. No. 7,072,641; hereinafter

"Satapathy") and Cotanis (U.S. Pat. Pub. No. 2002/0042268; hereinafter "Cotanis").

This rejection is respectfully traversed.

The independent claims have each been amended to more positively recite that the method (or system) involves making a determination as to a "time to perimeter" measurement" to determine an approximate time that a mobile platform will be leaving a coverage region. Bases for these amendments may be found at paragraphs 0028 and 0030 of the application. For the Examiner's convenience claim 1 is reprinted in full below as follows:

1. (Currently Amended) *A method for determining when a moving, airborne mobile platform will enter or exit at least one satellite coverage region, said method comprising:*

*determining a plurality of boundary coordinates that define a satellite coverage region perimeter, the boundary coordinates taking into consideration latitude, longitude and altitude to define a three dimensional spatial volume defined by the satellite coverage region;*

*monitoring a position of the mobile platform and an altitude of the mobile platform as the mobile platform moves along a travel path; and*

*determining the proximity of the mobile platform to the satellite coverage region perimeter, taking into account a current latitude, longitude and altitude of the mobile platform;*

*identifying fade areas within the satellite coverage region by utilizing signal strength data of a signal from a satellite associated with the satellite coverage region, and by comparing positional information of the mobile platform, in real time, to predetermined mapped and stored signal strength data associated with position data within the satellite coverage region; [[and]]*

*determining the proximity of the mobile platform to the fade area and to the perimeter of the satellite coverage region; and*

*using the altitude, the latitude and the longitude of the mobile platform to indicate an approximate time that the mobile platform will remain within the satellite coverage region.*

Somewhat similar amendments have been made to independent claims 18 and 12.

It is respectfully submitted that the pending independent claims are not anticipated by the Sklar/Chobotov/Satapathy/Cotanis combination of references. Sklar and Chobotov have been discussed in detail in at least one prior response, but it bears repeating that Sklar does not discuss or suggest using **altitude** to determine and define the **perimeter of a coverage region**, let alone to help define a **real time position of the aircraft** as the aircraft moves through (or approaches) a coverage region. Moreover, Sklar does not use altitude in making a time estimate of when the aircraft will be leaving a given coverage region or entering a new coverage region. The closest Sklar comes to this is the discussion in column 6, lines 27-47, and column 10, lines 32-62, where Sklar is discussing determining whether or not to offer certain programs if it is determined that a program cannot be finished before the aircraft leaves the coverage region. But again, absolutely no discussion or suggestion is made of using the altitude in making this determination.

As the Examiner will appreciate, the altitude that the aircraft is flying at may make a considerable difference in scope of the coverage region. It may also have a very significant affect on the time that an aircraft takes to reach a boundary. This is so both when the aircraft is within a coverage region and when an aircraft is outside a coverage region but approaching the coverage region. This benefit would not be provided by the Sklar system.

Chobotov discusses the coverage range of an orbiting satellite, but also does not go so far as to suggest that the altitude of an aircraft be taken into account when determining all of 1) the coverage region, 2) the position of the aircraft, and 3) the time

that will elapse before the aircraft reaches the edge of a coverage region. Satapathy involves attempting to predict when a cellular call will be dropped, but again this reference has nothing to do with determining when an aircraft will be leaving (or entering) a coverage region by looking at altitude, the latitude and the longitude of an aircraft, the perimeter of the coverage region, and determining a length of time before the aircraft will reach a boundary of a coverage region. For at least these reasons, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 4, 13 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sklar et al. in view of Chobotov and Cotanis as applied to claims 1, 12 and 18 above, and further in view of Ashton et al. (U.S. Pat. No. 6,434,682; hereinafter "Ashton"). Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Sklar in view of Chobotov and Cotanis as applied to claims 1, 12 and 18 above, and further in view of Miller et al. (U.S. Pat. No. 5,956,644; hereinafter "Miller"). In view of the amendments to independent claims 1, 12 and 18, it is believed that these rejections have been rendered moot.

## **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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